

## ON-THE-JOB INJURY/INCIDENT REPORTING PROCEDURES

### WHAT IS AN ON THE JOB INJURY?

“Injury and personal injury” shall mean only injury by an accident arising out of and in the course of employment, and shall not include a disease in any form, except for an occupational disease or where it results naturally and unavoidably from the accident.

**The injury by an accident arising out of and in the course of employment clause does not cover workers except while engaged in or about the premises where their services are being performed or where their service requires their presence as a part of service at the time of the incident and during hours of service as workers.** Injury shall include physical injury caused either by carpal tunnel syndrome disorder or by other cumulative trauma disorder if either disorder arises out of and in the course of the employment, and breakage or damage to eyeglasses, hearing aids, dentures, or other prosthetic devices which function as part of the body, when injury to them is incidental to an on-the-job injury to the body. Injury does not include an injury caused by the act of a third person or fellow employee intended to injure the employee because of reasons personal to him or her and not directed against him or her as an employee or because of his or her employment. Injury does not include a mental disorder or mental injury that has neither been produced nor been proximately caused by some physical injury to the body.

**IN GENERAL** –Under the Alabama Workers’ Compensation Law, the following conditions must exist to entitle an injured employee to benefits: (1) The injury must result from an incident. “Incident shall be construed to mean an unexpected or unforeseen event, happening suddenly and violently, with or without human fault, producing at the same time, injury to the physical structure of the body or damage to an artificial member of the body by accidental means. (2)The incident must arise out of and in the course of employment. **There must be a relationship between employment and the incident, and it must occur within the period of employment, at the place where the employee may reasonably be, and while fulfilling the duties of his/her employment or engaged in something related to it.**

**EXCEPTIONS** – Certain circumstances may negate an employee’s claim for Workers’ Compensation benefits as follows:

1. When the incident is caused by the willful misconduct of the employee.
2. When the incident is caused by the act of a third person or fellow employee who intended to injure the employee because of personal reasons.
3. When the incident is caused from the employee’s intention to bring about the injury or death of him/her or another.
4. When the incident is caused as a result of the employee’s intoxication from alcohol or use of illegal/controlled drugs.
5. When the incident results from a violation of a written safety policy or failure and/or willful refusal to use safety appliances/equipment provided by the County.
6. By willful refusal or willful neglect of the employee to perform a statutory duty.
7. When the incident results from willful breach of a reasonable rule or regulation, of Which rule or regulation the employee has knowledge.
8. An injury does not include a mental disorder or mental injury that has neither been neither produced nor been proximately caused by some physical injury to the body.

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## ON-THE-JOB INJURY/INCIDENT REPORTING PROCEDURES

(Continued)

### IF YOU ARE HURT OR INJURED AT WORK

1. An employee incident report must be completed and forwarded to the Risk Management Department any time an employee reports an injury. **The injured employee must complete part one of the Employee Injury/Incident Report within 48 hours of the incident, the supervisor must complete and sign part two. The incident report must be forwarded to the Risk Management Department.** (The incident report is located on the County's Intranet and can be accessed by clicking on Human Resources icon, click on Occupational Health, and then employee incident report).
2. Additionally, if the incident involves exposure to blood or body fluids, complete the Employee Exposure to Blood and/or Body Fluids Report and forward this form along with the Employee Injury/Incident Report to the Risk Management Department, (this form is also located on the County's intranet).
3. All employees who are injured on the job or who claim to have been injured on the job are required to submit to drug testing immediately or as soon as possible after the incident or injury is reported. **During normal business hours, the Risk Manager or Risk Management Coordinator must be contacted and will send the injured employee to the appropriate drug testing site.** If the injury occurs after normal business hours, on holidays or on weekends, the supervisor must send the injured employee to a collection site for drug testing immediately after the occurrence of the incident or injury, or immediately after the employee gives notice of an on-the-job-injury, whichever occurs first? If the injury requires medical treatment, the authorized physician/facility will perform the urine drug screen. If the injury does not require medical treatment, the authorized collection site will perform the drug screen. (Admin Order 91-6, section G).
4. During normal business hours report all injuries immediately to your supervisor and the Risk Management Department. This initial report can be as simple as telling your supervisor you have had an injury or incident on the job. If the injury occurs after normal business hours, on holidays or on weekends report the injury immediately to your supervisor. The next business day you must notify the Risk Management Department. The injured employee is responsible for notifying the Risk Manager, not the supervisor or coworker, unless the employee is incapacitated and cannot verbally communicate.
5. During normal business hours, Risk Management will assess the incident/injury and if the injury requires further medical attention; Risk Management will refer the injured employee to an authorized physician/facility specializing in occupational injuries/illnesses. **The employee's family physician is not an authorized treating physician.**

## ON-THE-JOB INJURY/INCIDENT REPORTING PROCEDURES

(Continued)

### Risk Management Office:

#### Downtown Courthouse

716 Richard Arrington Jr., Blvd. N  
Room A-440  
Birmingham, AL 35203

#### Sophia Juzang-Risk Management Coordinator

Email: juzangs@jccal.org

Office: 205.214.5509

Fax: 205.581.7596

6. If the injury occurs after normal business hours, on holidays or on weekends and the injured employee needs medical attention, **call I AM HURT (426-4878). The on-call nurse will tell you to report to the Brookwood Medical Center ER and she will meet you there.** If the injury is life threatening, the nearest emergency room may be used. However, Brookwood Medical Center and St. Vincent's Hospital are the preferred Emergency Departments. **Your primary care physician is NOT an authorized treating physician for an on- the- job injury and Workers' Compensation will not honor work status forms and bills from non-authorized physicians.**
7. When an injured employee is seen by an authorized physician/facility, he/she will be sent back to work full duty, placed on restricted duty or will not be able to return to work. If the injured employee is returned to work on full duty or given returned to work with restrictions and feel that he/she cannot perform the duties of his/her job, the injured employee must contact the Risk Manager and discuss his/her work status. If the injured worker does not contact the Risk Manager and takes it upon him/herself to stay off work when he/she has been instructed to return to work on full duty or restricted duty, the time he/she uses will be charged to the injured employee's sick/vacation/comp time.
8. The injured employee must turn in a Work Status Form to the Risk Management Department and supervisor indicating his/her work status after each visit to a physician and/or therapist. **NOTE: The injured employee must notify Risk Management after Each physician's visit and/or therapists visit and especially when the physician indicates he/she cannot return to work.** The injured employee must notify the Risk Manager anytime he/she needs to be seen by an authorized physician/facility. The injured employee should contact the Risk Manager if he/she needs to be seen by a physician or have questions concerning his/her injury.

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## **EMPLOYEES' RIGHTS AFTER AN ON-THE-JOB INJURY:**

1. Employees have the right to appropriate medical care. Risk Management will refer the injured employee to an authorized physician/facility specializing in occupational injuries/illnesses. **Your personal physician is not an authorized physician.**
2. All employees who report an on-the-job injury must report for a drug screen. Failure to submit for a drug screen can result in disciplinary actions, including termination.
3. According to the Alabama Workers' Compensation Law, if an injured employee is dissatisfied with the initial authorized treating physician/facility, he/she is entitled to select a second physician from a panel of four physicians provided through the County's Third Party Administrator.
4. The injured employee must inform the Risk manager that he/she is dissatisfied with the treatment provided by the initial treating physician. The Risk Manager will notify the Third Party Administrator. The Third Party Administrator will send the injured employee a letter with a panel of four physicians. The injured employee will be asked to choose a physician from the panel of four and notify the Third Party Administrator and Risk manager of his/her choice. The Third Party Administrator will schedule an appointment with the panel chosen physician. The physician the injured employee chooses from the panel will be the new treating physician assigned to treat his/her injury.
5. If the injured employee refuses to comply with any reasonable requests for examination, or refuses to accept the medical service or physical rehabilitation which the County elects to furnish, his/her rights to compensation shall be suspended and no compensation shall be payable for the period of such refusal. **NOTE: In the event of a conflict between this document and the Alabama Workers' Compensation law, the law will control.**

## WORKERS' COMPENSATION AND INJURY WITH PAY (IWP) GUIDELINES

If you are injured while performing duties for Jefferson County, you may be entitled to Workers' Compensation and/or Injury with Pay (IWP). Workers Compensation benefits in the state of Alabama allow an employee who is injured on the job to receive benefits in the amount of 66 $\frac{2}{3}$ % (sixty-six and two thirds percent) of their average weekly wage, if they are deemed unable to work by an approved Occupational Health Clinic or Occupational Health Physician, as a result of their injury. These benefits begin on the fourth day that an injured employee is unable to work. An employee who is injured on the job may also be eligible for Injury With Pay (IWP) benefits, which will pay 33  $\frac{1}{3}$ % (thirty-three and one-third percent) of his/her salary for up to **180 calendar days** after the date of the injury.

Certain requirements must be met in order for an employee to be eligible for Injury with Pay benefits. Failure to comply may result in denial of Worker's Compensation and/or Injury with Pay benefits.

- The injury/illness must have been sustained during the course of employment
- The injury/incident/illness must be reported immediately to your supervisor and Risk Management
- If the injury occurs after normal business hours, on holidays or on weekends and you need medical attention, **call I AM HURT (426-4878)**. If the injury is life threatening, the nearest emergency room may be used. If the injury is not life threatening, Brookwood Medical Center Emergency Room and St. Vincent's Hospital Emergency Room are the preferred emergency room.
- If the injury occurs after normal business hours, on holidays or on weekends, report the injury immediately to your supervisor. The next business day you must notify Risk Management. **The injured employee is responsible for notifying Risk Management**, not the supervisor or another co-worker; unless the
- employee is incapacitated and cannot verbally communicate.
- **Complete the Employee Injury/Incident Report Complete the Employee Incident Report within 48 hours of the incident and forward the completed incident report to Risk Management.** The employee must complete and sign part one and the supervisor must complete and sign part two of the incident report.
- Additionally, if your injury involves an exposure to blood and/or body fluids, complete the Employee Exposure to Blood and/or Body Fluids Report and forward this form along with the Employee Incident Report to the Risk Manager in your area.
- All employees who are injured on the job or who claim to have been injured on the job shall be required to submit to drug testing as soon as possible after the incident or injury is reported. During normal business hours, Risk Management must be contacted and will send the injured employee to the appropriate drug-testing site. If the injury occurs after normal business hours, on holidays or on weekends, the supervisor must send the injured employee to a collection site for drug testing immediately after the occurrence of the incident or injury, or immediately after the employee gives notice of an on- the- job injury, whichever occurs first. If the injury requires medical treatment, the authorized physician/facility will perform a urine drug screen. If the injury does not require medical treatment, the authorized collection site will perform the drug screen. (Admin Order 91-6, section 5G)

- Risk Management will assess the incident/injury and if the injury needs further medical attention, Risk Management will refer the injured employee to an **authorized physician/facility** specializing in occupational injuries/illnesses. **The employee's family physician is not an authorized treating physician.**
- The injured employee must turn in a Work Status Form to Risk Management and supervisor indicating his/her work status after each visit to a physician and/or therapist. **Note: The injured employee must notify Risk Management after each physician's visit and/or therapists visit and especially when the physician indicates he/she cannot return to work.**
- When the authorized physician/facility indicates the injured employee cannot work, Injury with Pay supplements the injured employee's pay. Injury with Pay is paid once the injured employee receives workers' compensation pay. If the authorized physician/facility gives an injured employee an appointment for follow-up treatment or if the injured employee has been scheduled for physical therapy during his/her working hours, he/she is allowed 30 minutes to the treatment site, time while at the treatment site, and 30 minutes to return to work after being treated by the physician or therapist. The injured employee's timesheet for each visit **should not be coded IWP**. The time should be coded as regular pay (code 23). The physician/facility or therapist has been instructed to indicate on the injured employee's Work Status Form the time the injured employee reports for treatment and the time he/she is released. If this time is not on the injured employee's Work Status Form, the supervisor and/or payroll coordinator must contact the Risk Manager. The Risk Manager will contact the physician/facility or therapist to obtain this information.

**So that there are no misunderstandings of the injured employee's work status, it is the sole responsibility of the injured employee to present the original Work Status Form that he/she receives from the authorized physician/facility, to Risk Management. The injured employee should also provide a copy of the Work Status Form to his/her supervisor.**

If you are eligible for the Injury with Pay benefit, you will receive the difference between your regular rate of pay and the Workers' Compensation benefit. Under the Injury with Pay benefit, the injured worker's pay shall not exceed the difference between the employee's regular rate of pay and the worker's compensation benefit.

**The employee incident report, the IWP application and guidelines are located on the County's intranet and can be accessed by clicking the Finance Department icon. Once on this page, click Risk Management, then click Occupational Health, this will give you access to the employee incident report, the IWP application and guidelines.**

**Please note: The IWP application must be submitted to Risk Management as soon as the employee becomes eligible for Worker's Compensation benefits. To be eligible for Worker's Compensation benefits, the authorized physician/facility must have given written notice that the employee cannot return to work.**

Injury with Pay may be granted only if the disabling condition was caused without the fault or gross negligence of the employee. The phrase, "fault or gross negligence," as used in Personnel Board Rule 13.12, includes: (a) an act or omission rising above mere inattention and demonstrating a lack of ordinary and reasonable care; (b) intoxication by alcohol or a controlled substance; or (c) violation of a written safety policy. In the event of a conflict between this document and Personnel Board Rule 13.12, the Personnel Board Rule will control.

### **STEPS TO SUBMIT AN IWP APPLICATION**

1. The injured employee must be deemed unable to return to work, either regular duty or light duty, by the approved Occupational Health physician/facility.
2. In order to be eligible for Worker's Compensation and Injury with Pay benefits, an injured employee may not be removed from work by his/her family physician.
3. The injured employee should complete an Injury with Pay application immediately after he/she is given a work status form from the authorized physician/facility indicating he/she is not able to return to work.
4. The injured employee must complete all of section one of the Injury with Pay application, forward the application to the line supervisor to complete section two.
5. The supervisor must complete section two and forward to the Risk Management.
6. Risk Management must complete section three and return the application to the department. The department head must then review and sign the application and forward it to payroll for processing. The department head and/or payroll coordinator must also send a copy of the IWP application to Risk Management.

### **Workers' Compensation Fraud**

**Workers' Compensation Fraud Bill, AL Act 1994-653, Code of Alabama, 1975, Section 13A-11-124: Making false statements to obtain workers' compensation benefits provides:**

**"Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining compensation, as defined in Section 25-5-1(1), as amended, for himself or herself or any other person is guilty of a Class C felony (punishable by a fine of up to \$5,000.00 and a jail term of one to ten years)."**